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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,098	08/28/2001	Lance E. Steward	17451 (BOT)	6185
51957 7	590 12/27/2005		EXAMINER	
	, INC., LEGAL DEP	MINNIFIELD, NITA M		
	ONT DRIVE, T2-7H CA 92612-1599		ART UNIT	PAPER NUMBER
ŕ			1645	
			DATE MAILED: 12/27/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
	09/942,098	STEWARD ET AL.				
Office Action Summary	Examiner	Art Unit				
	N. M. Minnifield	1645				
The MAILING DATE of this communication ap	pears on the cover sheet with the c	correspondence address				
A SHORTENED STATUTORY PERIOD FOR REPL WHICHEVER IS LONGER, FROM THE MAILING Description of time may be available under the provisions of 37 CFR 1. after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory period Failure to reply within the set or extended period for reply will, by statut Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	DATE OF THIS COMMUNICATION 136(a). In no event, however, may a reply be tin I will apply and will expire SIX (6) MONTHS from te, cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on 110	October 2005.					
<i>;</i> —	This action is FINAL . 2b) ☐ This action is non-final.					
·— · · ·	☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims						
4) Claim(s) 4-8,45-53,55,57-64,96-122 and 126-	-175 is/are pending in the applicat	ion.				
4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.						
6) Claim(s) is/are rejected.	·	•				
7) Claim(s) is/are objected to.		to the state of th				
8) Claim(s) 4-8,45-53,55,57-64,96-122 and 126-175 are subject to restriction and/or election requirement.						
Application Papers						
9) The specification is objected to by the Examin	ner.					
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.						
Applicant may not request that any objection to the						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11)☐ The oath or declaration is objected to by the E	Examiner. Note the attached Office	e Action or form PTO-152.				
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreig a) All b) Some * c) None of: 1. Certified copies of the priority documer 2. Certified copies of the priority documer 3. Copies of the certified copies of the pri application from the International Burea * See the attached detailed Office action for a list	nts have been received. nts have been received in Applicat ority documents have been receiv au (PCT Rule 17.2(a)).	ion No ed in this National Stage				
And the second of						
Attachment(s) 1) Notice of References Cited (PTO-892)	4) Interview Summary	/ (PTO-413)				
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail D					
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08 Paper No(s)/Mail Date	8) 5) Notice of Informal I	-акын хүүлсанон (СТО-192)				

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DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 11, 2005 has been entered.

- 2. Applicants' amendment filed October 11, 2005 is acknowledged and has been entered. Claims 1-3, 9-44, 54, 56, 65-95, 123-125 have been canceled. Claims 4, 61-63, 102, 103, 119-122, 126 and 141-148 have been amended. New claims 149-175 have been added. Claims 4-8, 45-53, 55, 57-64, 96-122, 126-175 are now pending in the present application.
- 3. It is noted that the status identifier for claim 141 is incorrect. This claim has been amended; the identifier should be "(Currently amended)".
- 4. SEQ ID NO: 1, 2, 30 and amino acids 187-203 of SEQ ID NO: 2 were previously examined in this application. However, Applicants have added new claims that recite additional sequences. Therefore the following species requirement is being set forth.

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Election/Restrictions

5. This application contains claims directed to the following patentably distinct species of the claimed invention: the claims recite numerous amino acid sequences, SEQ ID NO: 1, 2, 29, 30, 85, 86, 87, 88, 89, 90, 91, 82 (it is not clear if Applicants desire SEQ ID NO: 82 or SEQ ID NO: 92), 93, 94, 95 and amino acids 187-203 of SEQ ID NO: 2. In most cases, Applicants are required to elect *up to ten independent and distinct sequences* for examination in the present application. SEQ ID NO: 1, 2 and 30 were previously examined in this application and are considered part of the up to ten sequences; accordingly Applicants can elect up to seven sequences.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions

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unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to N. M. Minnifield whose telephone number is 571-272-0860. The examiner can normally be reached on M-F (8:00-5:30) Second Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynette R.F. Smith can be reached on 571-272-0864. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Primary Examiner

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NMM

December 14, 2005